

# COMMITTEE AMENDMENT FORM

DATE: 09/13/ 06

COMMITTEE      ZONING

PAGE NUM. (S)

ORDINANCE I. D. #06-O-1072

SECTION (S)

RESOLUTION I. D. #06-R-

PARA.

AMENDS THE LEGISLATION BY ADDING TWELVE (12) CONDITIONS

AMENDMENT DONE BY COUNCIL STAFF 9/13/06

City Council  
Atlanta, Georgia

**06-O-1072**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**Z-06-62**  
Date Filed: 5-9-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **547, 553, 559-565 Boulevard, NE and 489 Boulevard Place, N.E.**, be changed from the RG-4 (Residential General-Sector 4) District to the MRC-3-C (Mixed Residential Commercial-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 47, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**CONDITIONS FOR  
Z-06-62 FOR 547-565 BOULEVARD  
(a.k.a. 559 & 553 BOULEVARD AND 485 BOULEVARD PLACE, N.E.)**

1. Maximum FAR:
  - a. Residential FAR: 1.49
  - b. Commercial FAR: 0.33
2. Maximum number of units: 30
3. Restricted uses and prohibited uses:
  - a. Non-residential uses, not including live/work spaces, are limited to the sidewalk-level only.
  - b. Sizes of individual retail, restaurant, repair or commercial recreation establishments, and clubs and lodges, shall not exceed 10,000 square feet.
  - c. The following uses are prohibited: truck stops, automobile service and gasoline stations; car washes; new and used car sales; repair garages; paint and body shops; plumbing and air conditioning service and repair; repair of lawn mowers and other outdoor mechanical equipment; commercial greenhouses; laundry and dry cleaning plants; mortuaries and funeral homes; security storage centers; and digital industry switchboards, power generators and other relay equipment as a primary use.
4. Sidewalk-Level: as used herein, shall have the meaning utilized in the Mixed Residential Commercial (MRC) District regulations.
5. Active uses:
  - a. Required also at sidewalk-level along Boulevard Place, for a minimum depth of 20 feet from the street-facing building façade, except at ingress and egress points into the parking structure or loading areas, unless existing topographical considerations render this requirement unreasonable. Active uses at sidewalk-level shall be limited to retail, office, residential, restaurant, museum, gallery, auditorium, library, hotel lobby, or cultural facility uses; all shall be serviced by plumbing, heating, and electricity. When a building has two or more floors that meet the definition of sidewalk level, this requirement shall only apply to the front of each floor located within five feet above or below the grade of the adjacent sidewalk.
  - b. Minimum sidewalk-level floor to ceiling height shall be 12 feet for non-residential uses.
6. Maximum building height:
  - a. Five stories and 70 feet as measured from the average grade along Boulevard.
  - b. The 5<sup>th</sup> story shall be set back an average of 5 ft from the front building façade measured along Boulevard.
  - c. Transitional height plane shall be required as measured from the eastern side property lines (perpendicular to Boulevard Place) adjacent to 489 Boulevard Place and the abutting alley.
  - d. The parking deck height shall not exceed the height of the finished floor level of the retail space (at sidewalk-level along Boulevard) or 25 ft measured from the average grade adjacent to the eastern façade of the parking deck.

7. Minimum balcony dimensions: balconies shall be a minimum of 4 feet deep and 24 square feet in area.

8. Building façade materials:

- a. All exterior façades shall be brick, terracotta, stone, cast stone, pre-finished metal panels, poured-in-place concrete, smooth hard-coat stucco, or masonry with the appearance of brick, terracotta, or stone. Hard-coat stucco shall not be utilized on the first two stories.
- b. The following exterior building materials are prohibited: vinyl siding and Exterior Insulation Finish Systems (EIFS).
- c. No exterior stairs visible from a public or private street shall be made of wood, and risers shall be enclosed.
- d. Exterior columns front porch columns shall have a minimum width of five and one-half inches.
- e. Exterior chimneys shall extend down to the ground.

9. Roofs: pitched roofs shall be screened, with parapet walls, from view from adjacent public or private streets, parks or plazas.

10. Fenestration:

- a. Buildings shall have either residential or non-residential (“storefront”) fenestration, as described below, along Boulevard Place, with the exception of the parking deck as noted below. Boulevard shall have non-residential (“storefront”) fenestration at sidewalk-level. Fenestration shall be calculated separately for each building façade.
- b. Non-residential (“storefront”) fenestration shall consist of windows in a minimum of 65% of the length of the sidewalk-level façade (for non-residential uses). Windows in the sidewalk-level façade shall meet the minimum vertical height requirements of the MRC district.
- c. Residential fenestration shall consist of:
  - i. Doors and vertical windows arranged horizontally at the sidewalk-level,
  - ii. Windows provided for a minimum of 25% of the total street-facing facade area, with each façade being calculated independently.
  - iii. Windowpanes recessed a minimum of two inches from the façade in which they are installed.
  - iv. 50% of the residential window units shall be operable.
- d. Flat, “snap-in” muntins, and muntins that are sandwiched between layers of glass are prohibited.

11. Parking Decks:

- a. Street-facing parking deck facades shall be completely screened from view with a liner building, except at ingress and egress.
- b. Parking deck facades, not facing a street and not screened with residential liner units, with openings shall have openings screened with mesh or decorative panels, tinted or sandblasted spandrel glass, or similar screening elements so as to screen vehicles and prevent views into the parking structure. If the façade not facing a street is not screened with liner residential units, then conditions c, d, and e below shall apply.
- c. Shall be illuminated with uplighting or shall contain shielded internal light bulbs to eliminate light spillage outside the deck.

- d. Shall meet the active-use and fenestration treatment requirements of conditions 5 and 10, unless topographic considerations render this requirement unreasonable. In such case, a continuous minimum five feet wide landscaped strip shall be provided between the parking structure facade and the public sidewalk, except at ingress and egress points into the structure. Said landscaped strip shall be planted with street trees spaced a maximum distance of 20 feet on center, which shall also meet the street tree requirements of the MRC district. The landscape strip shall also be planted with evergreen ground cover such as mondo grass, liriope spicata, ivy or evergreen shrubs. All plantings, planting replacement and planting removal shall be approved by the City Arborist.
- e. Shall provide a continuous 10 foot wide landscaped strip between the parking structure facade and property line located immediately adjacent to an R-1 through R-5, RLC, R-G, MR, or PD-H district. Said landscaped strip shall be planted with evergreen trees (such as Cryptomeria Japonica Yoshino, Leyland Cypress, or Dawn Redwood) spaced a maximum distance of 20 feet on center. The landscape strip shall also be planted with evergreen ground cover such as mondo grass, liriope spicata, ivy or evergreen shrubs. All plantings, planting replacement and planting removal shall be approved by the City Arborist.
- f. The owner shall be responsible for maintaining the health of all new and replacement trees for a period of one year from the date of planting. The owner shall replace any tree which dies during this time period.

12. Any townhomes developed shall front on Boulevard Place.

City Council  
Atlanta, Georgia

06- 0-1072

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-06-62  
Date Filed: 5-9-06

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SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **547, 553, 559-565 Boulevard, N.E. and 489 Boulevard Place, N.E.**, be changed from the RG-4 (Residential General-Sector 4) District to the MRC-3 (Mixed Residential Commercial) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 47, 14<sup>th</sup> District, Fulton County being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

MAR-07-2006 14:24

MORRIS MANNING MARTIN

P.02

Deed Book 13963 Pg 3404  
 Jay C. Stephenson  
 Clerk of Superior Court Cobb Cty, Ga.

DOAN

## EXHIBIT "A"

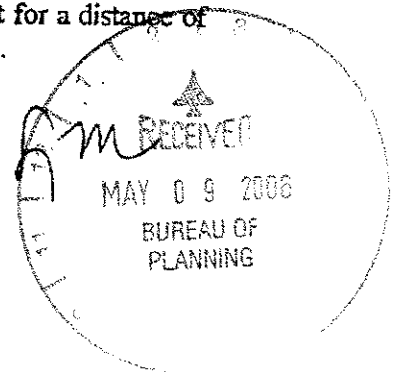
All that tract or parcel of land lying and being in Land Lot 47 of the 14<sup>th</sup> District, Fulton County, Georgia, being 0.36 acres known as 547 Boulevard and 553 Boulevard as per plat of survey prepared for Precision Development, and prepared by Daniel A. Miller, Georgia Professional Land Surveyor No. 2511, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, begin at the intersection of the southerly side of the right of way of Boulevard Place (being a 50 foot right of way) and the easterly side of the right of way Boulevard N.E. (being an 80 foot right of way) and run thence South 88 degrees 03 minutes 35 seconds East along the southerly side of the right of way of Boulevard Place for a distance of 100.82 feet to a point and corner; thence leaving said right of way and continue South 03 degrees 10 minutes 45 seconds West for a distance of 99.86 feet to a point and corner at the southwesterly corner of a 10 foot alley which is the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING, running thence South 87 degrees 57 minutes 49 seconds East along the southerly side of said 10 foot alley for a distance of 81.95 feet to a rebar and corner located on the westerly side of a 15 foot alley; running thence South 03 degrees 10 minutes 08 seconds West along the westerly side of said 15 foot alley for a distance of 85.86 feet to a rebar and corner; running thence North 88 degrees 07 minutes 17 seconds West for a distance of 182.90 feet to an iron pin and corner located on the easterly side of the right of way of Boulevard N.E.; running thence North 03 degrees 12 minutes 47 seconds East along the easterly side of the right of way known as Boulevard N.E. for a distance of 86.36 feet to an iron pin and corner; running thence South 87 degrees 57 minutes 49 seconds East for a distance of 99.70 feet to the TRUE POINT OF BEGINNING.

Together with a non-exclusive perpetual easement for ingress and egress over and across the above-referenced 10 foot alley which runs to the above-referenced 15 foot alley, through which is provided pedestrian and vehicular access to a public right of way, said easement area being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, begin at the intersection of the southerly side of the right of way of Boulevard Place (being a 50 foot right of way) and the easterly side of the right of way Boulevard N.E. (being an 80 foot right of way) and run thence South 88 degrees 03 minutes 35 seconds East along the southerly side of the right of way of Boulevard Place for a distance of 100.82 feet to a point and corner; thence leaving said right of way and continue South 03 degrees 10 minutes 45 seconds West for a distance of 99.86 feet to a point and corner at the southwesterly corner of a 10 foot alley which is the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING, running thence South 87 degrees 57 minutes 49 seconds East along the southerly side of said 10 foot alley for a distance of 81.95 feet to a rebar and corner located on the westerly side of a 15 foot alley; running thence North 03 degrees 10 minutes 08 seconds West along the westerly side of said 15 foot alley for a distance of 10.00 feet to a point and corner; running thence North 87 degrees 57 minutes 49 seconds West for a distance of 81.95 feet to a point and corner; running thence South 03 degrees 10 minutes 45 seconds West for a distance of 10 feet to the TRUE POINT OF BEGINNING; said alley containing 0.018 acres.

Z-06-62



RCS# 286  
6/05/06  
4:10 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

06-O-1069 1070 1071 1072 1073 1074 1075  
06-O-1076 1190 1191 1203 TO ZRB & ZONING  
REFER

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	Y Willis
NV Winslow	Y Muller	Y Sheperd	E Borders

MULTIPLE